

68618/7236

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicants: Getsin, et al.

Appl. No.: 09/488,337

Filed: January 20, 2000

Title: SYSTEM, METHOD AND ARTICLE OF
MANUFACTURE FOR STORING
SYNCHRONIZATION HISTORY OF THE
EXECUTION OF A MULTIMEDIA EVENT ON A
PLURALITY OF CLIENT COMPUTERS

Examiner: AVELLINO, Joseph E.
Group Art Unit: 2143
Customer No.: 22242
Conf. No.: 4283

DECLARATION PURSUANT TO 37 C.F.R. 1.131 OF EVGENIY M. GETSIN;
MICHAEL J. LEWIS; AND TODD R. COLLART

Hon. Commissioner for Patents
Washington, D.C. 20231

Sir,

We, Todd R. Collart, Evgeniy M. Getsin, and Michael J. Lewis, declare as follows:

1. We, at the time of the invention, were employees of INTERACTUAL TECHNOLOGY, Inc., the current recorded Assignee of the subject matter of U.S. Patent Application No. 09/488,337.

2. We are the inventors of the invention as variously described and claimed in U.S. Patent Application No. 09/488,337.

3. We declare that the online synchronization system covered by the pending claims of U.S. Patent Application No. 09/488,337, specifically independent claims 1, 7, 13 and 19, was

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manufactured and tested prior to November 18, 1999. We also declare that at least prior to November 18, 1999, we recognized the inventive aspects of the online synchronization system and that the online synchronization system would work for its intended purpose.

4. We note that all dates present on the exhibits attached hereto have been blacked out as pursuant to MPEP 715.07(II); however, we declare that all blacked out dates are dates prior to November 18, 1999.

5. Attached as Exhibit A is a copy of an online article entitled "Editorial: Behind the Scenes of the RONIN Online Event" discussing an online event scheduled by MGM on a date prior to November 18, 1999. The article discusses this online event, where the director of the film "Ronin" will address a selection of questions previously submitted by owners of the "Ronin" DVD during a live session. Additionally, the director will provide his perspective on scenes from the film as users simultaneously experience these scenes from the "Ronin" DVD. The technology involved in this event allows the event to be recorded, "so that users can log back on to the website at a later date to re-experience the entire event or see it for the first time, in case they missed it."

6. Exhibit B is a copy of another online article entitled "DVD Special Report: MGM's Ronin DVD Goes On-Line" discussing the same aforementioned online event scheduled by MGM on a date prior to November 18, 1999. The article states that "[f]or those unable to participate during the live event, MGM will cache the event to their Internet servers so that it can be played back at a later date by anyone acquiring the RONIN DVD."

7. We declare that the online event discussed in both Exhibits A and B did in fact occur on a date prior to November 18, 1999, and the session was recorded and made available to users for download subsequent to the occurrence of the online event and prior to November 18, 1999.

8. The online synchronization system utilized at the online event referenced in both Exhibits A and B is the same online synchronization system that we have invented. Thus, prior to November 408878_1

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18, 1999, we fully appreciated the utility of the online synchronization system and that it would work for its intended purpose.

9. We have reviewed the pending claims of this present application, and in particular, we have reviewed independent claims 1, 7, 13, and 19. In view of the online synchronization system described above, we declare that an online synchronization system meeting the elements of independent claims 1, 7, 13, and 19 in U.S. Patent Application No. 09/488,337 physically existed prior to November 18, 1999 and that this online synchronization system worked for its intended purpose and that the invention was appreciated prior to November 18, 1999.

10. As we are advised we must, we hereby declare that all statements made herein of our knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patents issuing thereon, or any patent to which this Declaration is directed.

03/04/05

Date

4/10/05

Date

Eugeniy M. Gelfand

Michael J. Lewis

Date

Todd R. Collart

Attachments: Exhibits A and B

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18, 1999, we fully appreciated the utility of the online synchronization system and that it would work for its intended purpose.

9. We have reviewed the pending claims of the present application, and in particular, we have reviewed independent claims 1, 7, 13, and 19, in view of the online synchronization system described above. Therefore, we declare that an online synchronization system meeting the elements of independent claims 1, 7, 13, and 19 in U.S. Patent Application No. 09/488,337 physically existed prior to November 18, 1999 and that this online synchronization system worked for its intended purpose and that the invention was appreciated prior to November 18, 1999.

10. As we are advised we must, we hereby declare that all statements made herein of our knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application, any patents issuing thereon, or any patent to which this Declaration is directed.

Date

Evgeniy M. Getsin

Date

3/8/05

Date

Michael J. Lewis

Tode R. Collart

Attachments: Exhibits A and B

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